

PATENT COOPERATION TREATY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

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| Applicant's or agent's file reference AZ03-105WODA | | Date of mailing (day/month/year) 14 January 2005 (14.01.2005) |
| International application No. PCT/KR 2004/002589 | | International filing date (day/month/year) 11 October 2004 (11.10.2004) |
| International Patent Classification (IPC) or both national classification and IPC F25D 21/08 , F25D 17/06 | | Priority Date (day/month/year) 28 November 2003 (28.11.2003) |
| Applicant <div style="text-align: center;">LG ELECTRONICS INC.</div> | | |

1. This opinion contains indications relating to the following items:

- ☒ Cont. No. I Basis of the opinion
- ☐ Cont. No. II Priority
- ☐ Cont. No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Cont. No. IV Lack of unity of invention
- ☒ Cont. No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Cont. No. VI Certain documents cited
- ☐ Cont. No. VII Certain defects in the international application
- ☐ Cont. No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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| Name and mailing address of the ISA/ AT Austrian Patent Office Dresdner Straße 87, A-1200 Vienna Facsimile No. +43 / 1 / 534 24 / 535 | Authorized officer <div style="text-align: center;">WITTMANN K.</div> Telephone No. +43 / 1 / 534 24 / 380 |
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Continuation No. I

IAP20 Rec'd PCT/PTO 04 APR 2006

Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed.

Continuation No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|------------------|-----|
| Novelty (N) | Claims 2-6, 9-11 | YES |
| | Claims 1, 7, 8 | NO |
| Inventive step (IS) | Claims 2-6, 9-11 | YES |
| | Claims 1, 7, 8 | NO |
| Industrial applicability (IA) | Claims 1-11 | YES |
| | Claims ---- | NO |

2. Citations and explanations:

The following documents have been cited in the Search Report:

D1 : EP 872697
D2 : EP 878675
D3 : US 4688393
D4 : US 4569206

The present invention does not satisfy the criterion set forth in Article 33 (2) PCT because the subject-matter of Claims 1, 7 and 8 is not new in respect of the prior art as defined in the regulations (Rule 64 (1) PCT).

Documents D1 to D4 disclose all the essential features of claim 1 like a refrigerator having a cold air duct comprising an evaporator, a defrosting heater, a fan and open/close means.

D1 and D2 reveal a fan positioned over the evaporator (claim 7) and D3 shows the defrosting heater positioned between the fan and the evaporator (claim 8).

But all these documents do not show the features of dependent claim 2, like open/close means in the upper and lower side of said duct. Claims 3-6 show preferred realisations of claim 2 and claims 9-11 of claim 1.

In conclusion claims 1, 7 and 8 can not be considered to be new and involving an inventive step.

Industrial applicability is given.